

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SYLVESTER SHOCKLEY,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-211-SLR
	:	
THOMAS L. CARROLL,	:	
Warden, and CARL C. DANBERG,	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Sylvester Shockley, has applied for federal habeas relief, challenging his state criminal sentence. D.I. 1. By the terms of the Court's order, the answer is due to be filed on August 11, 2006.

2. Counsel for respondents has been, and continues to be, diligently working on numerous cases before this Court and the state courts. However, because there are currently two deputy vacancies in the Appeals Division, the workload has greatly increased for the division attorneys. Consequently, reassignment to another attorney is not practicable at this point in time. Further, counsel was out of the office for more than a week for a work-related conference. In light of the situation, additional time is needed to complete the answer.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-

74 & n.4 (9th Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985). The comment to Rule 4 expressly states that the district court has "the discretion to take into account various factors such as the respondent's workload" in determining the period of time that should be allowed to answer the petition.

4. This is respondents' second request for an extension of time in this case.

5. Respondents submit that an extension of time to and including September 20, 2006, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ Loren C. Meyers
Chief of Appeals Division
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 2210
loren.meyers@state.de.us

DATE: August 10, 2006

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Loren C. Meyers
Chief of Appeals Division

Counsel for Respondents

Date: August 10, 2006

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2006, I electronically filed a motion for extension of time with attachment with the Clerk of Court using CM/ECF. I also hereby certify that on August 10, 2006, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Sylvester Shockley
SBI No. 090135
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Loren C. Meyers
Chief of Appeals Division
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 2210
loren.meyers@state.de.us

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SYLVESTER SHOCKLEY,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-211-SLR
	:	
THOMAS L. CARROLL,	:	
Warden, and CARL C. DANBERG,	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

This ____ day of _____, 2006,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before September 20, 2006.

United States District Judge